

**Dzerzhyn District Court of Kharkiv****RESOLVED**

Case No. 638/5519/23

Proceedings No. 1-kp/638/1372/23

Ukhvalaimenem of Ukraine

On June 26, 2023, the Dzerzhynsky District Court of Kharkiv in the composition of:

the presiding judge with the participation of: the secretary of the court session, the prosecutor, the accused's defender, the translator - PERSON_1 , -PERSON_2 , -PERSON_3 , -Lira Lopez PERSON_4 , -PERSON_5 , -PERSON_6 ,

having considered in the preparatory court session in the courtroom in Kharkiv the petition of the prosecutor of the Kharkiv Regional Prosecutor's Office PERSON_3 to extend the term of the preventive measure in the form of detention in criminal proceedings, entered in the Unified Register of Pretrial Investigations under No. 22022220000000618 of April 12, 2022, on the charges :

PERSON_7 , INFORMATION_1 , a citizen of Chile and the USA, a native of Los Angeles, California, United States of America, married, unemployed, with two children, actually living at the address: ADDRESS_1 , no previous convictions,

in the commission of criminal offenses provided for in Part 2 of Art. 436-2, Part 3 of Art. 436-2 of the Criminal Code of Ukraine,-

INSTALLED:

Since June 7, 2023, in the proceedings of the judge of the Dzerzhinsky District Court of Kharkiv PERSON_1, there is an indictment in criminal proceedings entered in the Unified Register of Pretrial Investigations under No. 22022220000000618 dated April 12, 2022 against PERSON_7, who is accused of committing criminal offenses provided for in Part 2 Art. 436-2, Part 3 of Art. 436-2 of the Criminal Code of Ukraine.

By the decision of the investigating judge of the Kyiv District Court of Kharkiv dated May 1, 2023, PERSON_7 was ordered to take preventive measures in the form of detention until June 29, 2023, with the determination of the amount of bail in the amount of UAH 402,600.00.

The ruling of the Kharkiv Court of Appeal dated May 30, 2023 left unchanged the ruling of the investigative judge of the Kyiv District Court of Kharkiv dated May 1, 2023.

On June 26, 2023, the prosecutor of the Kharkiv Regional Prosecutor's Office PERSON_3 filed a petition to extend the term of the preventive measure in the form of detention in relation to PERSON_7, who is accused of committing criminal offenses provided for in Part 2 of Article 436-2, Part 3 of Art. 436-2 of the Criminal Code of Ukraine, for a period of 60 days without the right to deposit bail.

In the justification of the motion, it is stated that during the pre-trial investigation, it was established that the citizen of the USA and the Republic of Chile Lira OSOBA_8, in the period from March 17, 2022 to April 14, 2022, produced and distributed on the Internet using an account on the video hosting service " Youtube" under the name "PERSON_9" and the Telegram channel under the name "INFORMATION_2", text and video materials containing information on support, approval, justification and denial of the

armed aggression of the Russian Federation against Ukraine, as well as justification and approval of the temporary occupation of part of the territory of Ukraine.

Thus, PERSON_7 is accused of committing a criminal offense - a crime provided for in Part 2 of Article 436-2 of the Criminal Code of Ukraine, that is, in the production and dissemination of materials containing justification, recognition as legitimate, denial of the armed aggression of the Russian Federation against Ukraine, which began in 2014 year, as well as the justification and recognition of the legality of the temporary occupation of part of the territory of Ukraine.

In addition, during the pre-trial investigation, it was established that the citizen of the USA and the Republic of Chile Lira PERSON_8, in the period from December 9, 2022 to February 1, 2023, acting repeatedly, produced and distributed on the Internet using an account on the video hosting service "Youtube "under the title "INFORMATION_3" video materials that contain information on the justification, recognition as legitimate, denial of the armed aggression of the Russian Federation against Ukraine, which began in 2014, including by presenting the armed aggression of the Russian Federation against Ukraine as an internal civil conflict, the justification and recognition of the legitimacy of the temporary occupation part of the territory of Ukraine, as well as the glorification of persons who carried out the armed aggression of the Russian Federation against Ukraine, which began in 2014.

Thus, PERSON_7 is accused of committing a criminal offense - a crime provided for in Part 3 of Article 436-2 of the Criminal Code of Ukraine, that is, in the production and distribution of materials containing justification, recognition as legitimate, denial of the armed aggression of the Russian Federation against Ukraine, which began in 2014 year, including by presenting the armed aggression of the Russian Federation against Ukraine as an internal civil conflict, justifying and recognizing the legitimate temporary occupation of a part of the territory of Ukraine, as well as justifying and recognizing the legitimate temporary occupation of a part of the territory of Ukraine, glorifying the persons who carried out the armed aggression of the Russian Federation against Ukraine , started in 2014, committed repeatedly.

Considering the existence of a well-founded suspicion that PERSON_7 has committed a serious crime, according to which the law provides for punishment in the form of deprivation of liberty for a term of five to eight years, and risks that give sufficient grounds to believe that PERSON_7 may hide from the authorities of the pre-trial investigation and/or the court, destroy, hide or distort any of things or documents that are of significant importance for establishing the circumstances of a criminal offense, commit another criminal offense, the prosecutor asked the court to extend the preventive measure in the form of detention for PERSON_7 for a period of 60 days, to determine the amount of bail, which exceeds 80 amounts of the subsistence minimum for able-bodied persons provided for by the Code of Criminal Procedure of Ukraine. The use of milder preventive measures than detention cannot prevent the specified risks.

At the court hearing, the prosecutor supported the request to extend the term of the preventive measure in the form of detention of the accused PERSON_7, but asked not to determine the amount of the bail, referring to the negative description of the accused provided by the Kharkiv Pre-trial Detention Center and the presence of two reprimands for violating the daily routine. tactless behavior towards the staff of the institution, failure to fulfill the duties of the cell guard.

Lira OSOBA_8 in the court session against granting the petition denied, referring to the lack of evidence of the risks declared by the prosecutor, the need to maintain two minor children. He also disagreed with the qualification of a criminal offence, asked to reduce the amount of bail, referring to property and family status.

The defender of the accused PERSON_5 objected to the granting of the petition at the court hearing, referring to the fact that the accused is not the subject of the incriminated crime, the prosecutor did not prove the stated risks, the criminal offense was wrongly classified. Considering that, I asked to apply a preventive measure to the accused in the form of house arrest at night time between 22:00 and 22:00. 00 min. until 6 a.m. 00 min. the next day. When determining the amount of bail at the stage of the

pre-trial investigation, the courts did not properly assess the fact that the determined amount of bail is known to be excessive for the accused.

When deciding the issue of the expediency of extending the term of a preventive measure in the form of detention, the court is guided by the following.

In accordance with part 1, 3 of article 331 of the Criminal Code of Ukraine, during the trial, the court, at the request of the prosecution or the defense, has the right to change, cancel, choose or extend the preventive measure against the accused. If there are motions, during the trial, the court is obliged to consider the feasibility of extending the preventive measure until the end of the two-month period from the day of its application. Based on the results of consideration of the issue, the court, by its reasoned decision, cancels, changes the preventive measure or extends its effect for a period that cannot exceed two months. A copy of the decision is handed to the accused, the prosecutor and sent to the authorized official at the place of imprisonment.

According to Part 2 of Art. 331 of the Criminal Procedure Code of Ukraine, the decision of the court regarding the preventive measure is made in accordance with the procedure provided for in Chapter 18 of this Code.

According to part 4 of Art. 199 of the Criminal Procedure Code of Ukraine, the court is obliged to consider the petition for the extension of the term of detention until the expiration of the previous decision in accordance with the rules provided for the consideration of petitions for the application of a preventive measure.

According to Part 3 of Art. 199 of the Criminal Procedure Code of Ukraine, in addition to the information specified in Article 184 of this Code, a request for extension of the term of detention must contain: 1) a statement of circumstances that indicate that the declared risk has not decreased or new risks have appeared that justify the detention of the person in custody; 2) a statement of the circumstances that prevent the completion of the pre-trial investigation before the expiration of the previous decision on detention.

The fifth part of Art. 199 of the Criminal Procedure Code of Ukraine stipulates that the court is obliged to refuse to extend the term of detention, if the prosecutor or investigator does not prove that the circumstances specified in the third part of this article justify the further detention of the suspect, the accused.

Thus, the reason for continuing to keep a person in custody is, in particular, establishing that the declared risk has not decreased or new risks have appeared that justify keeping a person in custody.

According to the materials of the criminal proceedings, by the decision of the investigating judge of the Kyiv District Court. Kharkiv dated May 1, 2023, PERSON_7 was placed in custody until June 29, 2023, with a bail amount of UAH 402,600.00.

Choosing the term of the preventive measure in the form of detention, the investigating judge took into account that PERSON_7 may hide from the authorities of the pre-trial investigation or the court, destroy, hide or distort any of the things or documents that are of significant importance for establishing the circumstances of a criminal offense, commit another criminal offense.

The ruling of the Kharkiv Court of Appeal dated May 30, 2023 left unchanged the ruling of the investigative judge of the Kyiv District Court of Kharkiv dated May 1, 2023.

The appellate court at the stage of the pre-trial investigation established the validity of the suspicion, the presence of the above-mentioned risks, resolved the question of the legality of the choice of an alternative preventive measure in the form of bail and its amount by the investigating judge.

Taking into account the existence of a well-founded suspicion that the accused has committed a criminal offense established by the courts at the stage of the pre-trial investigation, as well as the risks provided for in clauses 1, 2, 5 of Art. 177 of the Criminal Procedure Code of Ukraine, the court concluded that there are grounds for continuing the preventive measure in the form of detention.

According to Clause 4 Part 2 of Art. 183 of the Criminal Procedure Code of Ukraine, preventive measures in the form of detention may not be applied, except to a previously unconvicted person who is suspected or accused of committing a crime punishable by imprisonment for a term of more than five years.

Lira OSOBA_8 is accused of committing a minor and a serious crime, punishable by imprisonment for a term of up to five years and imprisonment for a term of five to eight years.

The court established that PERSON_7 is married, but is in the process of divorce, has two minor children from 2014 and 2015, is officially unemployed, is not registered with a psychiatrist or narcologist, has no disabilities, any movable or immovable property in the territory of Ukraine or he has no other state, he lives in Kharkiv in an apartment that belongs to him with the right of use, he has been living in Ukraine since 2017, the children are citizens of Ukraine, they live with their mother in Uzhgorod.

During the court session, in response to the court's clarifying questions, the accused stated that the mother of the accused's children is officially unemployed, her legal capacity is not limited, and there are no illnesses preventing her from employment.

Regarding the amount of the deposit in the amount of UAH 402,600.00. noted that this amount is known to be excessive for him and that the money provided to his wife for child support will not be enough to pay it.

As can be seen from the conclusions regarding the application of legal norms, set out, in particular, in the decisions of the Supreme Court dated 20.06.2019 in case No. 166/313/17, dated 13.08.2020 in case No. 674/1202/19, dated 27.02.2019 in case No. 0503/10653/2012, awareness of the likelihood of a person being found guilty of the charges brought against him and the pressure of the burden of possible punishment, are circumstances that indicate the presence of a risk of concealment from the court and are grounds for the application of a preventive measure.

Taking into account the identity of the accused PERSON_7, the severity of the punishment that he faces in the event of his conviction, the absence of an official source of income and any property on the right of ownership, the presence of two citizenships of other countries, other circumstances of the criminal proceedings, the court comes to the conclusion that at this stage of the criminal proceedings, the risks of the accused taking the actions provided for in clauses 1, 2, 5, part 1 of Article 177 of the Criminal Procedure Code of Ukraine, which were the basis for selecting a preventive measure in the form of detention in relation to the accused at the stage of pre-trial investigation and which were referred to by the prosecutor in the request to extend the preventive measure in the form of detention, did not decrease, nor did any of the other, milder preventive measures, unable to prevent them.

According to the practice of the European Court of Human Rights, the court with its decision must ensure not only the rights of the accused, but also high standards of protection of general societal rights and interests. Ensuring such standards, as emphasized by the European Court of Human Rights, requires the court to be more strict in assessing violations of society's values.

Yes, according to Art. 7-9 of the Criminal Procedure Code of Ukraine, the criminal procedural legislation of Ukraine is applied taking into account the practice of the European Court of Human Rights.

In the decision on the case "Letelier v. France" dated June 26, 1991, the European Court of Human Rights indicated that the existence of good grounds to suspect the detainee of committing a crime is an indispensable condition for the legality of detention.

In the decision on the case "W v. Switzerland" dated January 26, 1993, the European Court of Human Rights indicated that taking into account the gravity of the crime has its rational meaning, since it indicates the degree of social danger of this person and allows to predict with a sufficiently high degree of probability his behavior, taking into account that a future conviction for a serious crime increases the risk that the suspect/accused may evade investigation.

Taking into account the above, when deciding the issue of extending the preventive measure at the stage of the preparatory court session, the court takes into account the presence of risks provided for in clauses 1, 2, 5, part 1 of Article 177 of the Criminal Procedure Code of Ukraine, as well as assessing the totality of circumstances, namely: the weight of the evidence established by the investigating judge and the appellate court at the stage of the pre-trial investigation about the commission of PERSON_7 criminal offenses (reasonableness of suspicion); the severity of the punishment that threatens him in the event of being found guilty of a serious criminal offense provided for in part 3 of Art. 436-2 of the Criminal Code of Ukraine, data on the identity of the accused, who is not a citizen of Ukraine, can leave the territory of Ukraine without hindrance, does not have property on the territory of Ukraine that belongs to the right of ownership and an official source of income, considers that the application of a milder preventive measure against PERSON_7 is not sufficient to prevent the risks provided for in clauses 1, 2, 5, part 1 of Article 177 of the CPC of Ukraine.

Taking into account the above, in order to ensure the fulfillment of the procedural duties assigned to the accused, to prevent concealment from the court, destruction, concealment or distortion of any of the things or documents that are of significant importance for establishing the circumstances of a criminal offense, the commission of other criminal offenses, the court on at this stage of the court proceedings, considers it expedient to extend the term of the preventive measure in the form of detention in relation to PERSON_7 until August 24, 2023.

Also, taking into account the above, the court comes to the conclusion that at this stage of the court proceedings there are no grounds for changing the preventive measure chosen for the accused.

In addition, the court took into account all grounds and circumstances provided for in Art. 178 of the Criminal Procedure Code of Ukraine, information about the person and available evidence that the accused has committed a criminal offense, the severity of the punishment that threatens him in the event of being found guilty and the circumstances provided for in Art. 177, 178 of the Criminal Code of Ukraine, according to which the court has the right to determine the amount of bail sufficient to ensure that the accused fulfills procedural obligations.

The size of the bail should be determined by the degree of confidence at which the prospect of losing the bail will be a sufficient deterrent to deter the person against whom the bail is applied from the desire to hinder the establishment of the truth in criminal proceedings in any way.

The investigating judge and the court of appeals, deciding the issue of bail at the stage of the pre-trial investigation, determined that, taking into account the circumstances of the accused PERSON_7 of minor and serious criminal offenses, property status, lack of an official source of income in Ukraine, the presence of risks provided for in clauses 1, 2, 5 part 1 of article 177 of the Criminal Procedure Code of Ukraine, bail in the amounts determined by paragraph 3 part 5 of article 182 of the CCP of Ukraine is not able to ensure the proper performance of the duties assigned to him, and therefore a deposit was determined in the amount exceeding eighty amounts of the subsistence minimum for able-bodied persons, namely 150 subsistence minimums for able-bodied persons, which amounts to UAH 402,600.00.

When deciding on the amount of the bail in the preparatory court session, the court does not see any legal grounds for satisfying the prosecutor's request regarding the non-determination of the amount of the bail, taking into account the following.

According to Part 3 of Art. 183 of the Criminal Code of Ukraine, when passing a decision on the application of a preventive measure in the form of detention, the court is obliged to determine the amount of bail sufficient to ensure that the suspect, accused person fulfills the obligations provided for by this Code, except for the cases provided for in part four of this article.

According to Part 4 of Art. 183 of the Criminal Procedure Code of Ukraine, when passing a decision on the application of a preventive measure in the form of detention, taking into account the grounds and circumstances provided for in Articles 177 and 178 of this Code, the court has the right to determine the amount of bail in criminal proceedings: in relation to a crime committed with the use of violence or threatening use; regarding the crime that caused the death of a person; in relation to a person, in

relation to whom a preventive measure in the form of bail was already chosen in this proceeding, but was violated by her; regarding the crime provided for by Articles 255-255 of the Criminal Code of Ukraine; in relation to a particularly serious crime in the sphere of trafficking in narcotic drugs, psychotropic substances, their analogues or precursors. During martial law, the investigating judge, the court, when passing a decision on the application of a preventive measure in the form of detention,

During the preparatory court session, the court did not establish, and the prosecutor did not indicate or prove the presence of any of the circumstances provided for in Part 4 of Art. 183 of the Criminal Procedure Code of Ukraine, which are the legal basis for not determining the amount of bail in this criminal proceeding. The accused was not charged with the criminal offenses provided for in Art. 109-114-2,258-258-6,260,261,402-405,407,408,429,437-442 of the Criminal Code of Ukraine.

In the sense of the above-mentioned norms of the Criminal Procedure Code of Ukraine, the presence of fines on a detained person in the "Kharkiv Remand Detention Center" and negative characteristics of the place of detention is not a legal basis for not choosing bail.

Thus, in accordance with the above-mentioned norms of the Criminal Procedure Code of Ukraine, there are no legal grounds for not choosing bail, the court is obliged to resolve the issue of the application of bail and its amount.

Щодо заявленого обвинуваченим клопотання про зменшення розміру застави, визначеного на стадії досудового розслідування, суд відмовляє у його задоволенні, зважаючи на наступне.

Відповідно до ч.4 ст.182 КПКУкраїни розмір застави визначається судом з урахуванням обставин кримінального правопорушення, майнового та сімейного стану обвинуваченого, інших даних про його особу та ризиків, передбачених статтею 177 цього Кодексу. Розмір застави повинен достатньою мірою гарантувати виконання обвинуваченим покладених на нього обов'язків та не може бути завідомо непомірним для нього.

Розмір застави щодо особи, обвинуваченої у вчиненні тяжкого злочину визначається у межах від двадцяти до вісімдесяти розмірів прожиткового мінімуму для працездатних осіб (п.2 ч.5 ст.182 КПК України).

In exceptional cases, if the court determines that bail within the specified limits is not capable of ensuring that a person accused of committing a serious crime fulfills the duties assigned to him, bail may be set in an amount that exceeds eighty times the subsistence minimum for able-bodied persons (paragraph 4 part 5 of article 182 of the Criminal Code of Ukraine).

When determining the size of an alternative preventive measure, the court takes into account, first of all, the specifics of this criminal proceeding, the increased public interest in this category of cases, and the gravity of the possible crime.

In addition, the court takes into account the reality and the probability of the defendant realizing the risks established by the court of appeals on May 30, 2023 at the stage of the pre-trial investigation. Data on the identity of the accused and his social connections are also taken into account.

Taking into account the identity of the accused, the court came to the conclusion that there are no grounds for reducing the amount of the bail set by the courts at the stage of the pre-trial investigation.

The assessment of the specified circumstances shows that when determining the amount of the bail, the need to go beyond the amount of the bail, determined by clause 2, part 5 of Article 182 of the Criminal Procedure Code, was present and, as of the time of the trial, has not lost its relevance.

The criterion for determining the amount of bail is the need to ensure the balance of moderation of the amount of bail for the accused, which is determined taking into account individual characteristics, in particular, such as the property and family status of the accused, the circumstances of the criminal proceedings.

From the content of the analyzed decision of the Kharkiv Court of Appeal dated May 30, 2023, it was established that during the search conducted at the stage of the pre-trial investigation, USD 9,000.00 was found in the accused's possession.

Taking into account the information established by the court about the discovery of a significant amount of money at the place of residence and which are not the subject of a crime, the court considers that the deposit, in the amount of UAH 402,600.00. is reasonable and moderate for the accused.

Under the circumstances described above, an alternative preventive measure in the form of bail should be a sufficiently stimulating factor that the accused would be afraid of losing as a result of failure to fulfill procedural obligations.

Taking into account the financial condition of the accused, bail in the specified amount may well meet this purpose.

This amount is commensurate with the property status of the accused, this amount of bail is reasonable in view of the need to fulfill the tasks of the criminal proceedings, will be able to ensure the proper behavior of the accused, prevent the established risks of the criminal proceedings and is not known to be excessive for him.

At the same time, the amount of bail must be assessed taking into account the accused himself, his assets and his relationship with the persons who are supposed to ensure his safety, in other words, the amount of bail must be determined by the degree of trust (certainty) at which the prospect of losing the bail, in the event absence from court will be a sufficient deterrent to prevent a person from obstructing the establishment of the truth in criminal proceedings (paragraph 78 of the decision of the ECtHR dated 28.09.2010 in the case "Mangouras v. Spain", application No. 12050/04).

The defender's claim that the amount of bail chosen by the court for the accused does not correspond to his property status and is known to be unreasonable for him is groundless, since it was chosen by the court within the limits established in accordance with the provisions of Part 5 of Article 182 of the Criminal Procedure Code of Ukraine, and the latter's arguments from on this occasion have a purely subjective nature, taking into account the fact that during the search of the address of the residence of the accused, cash in the amount of USD 9,000.00 was found, which may indicate the corresponding income of the accused.

In connection with the application to the accused of an alternative preventive measure, not related to detention, in the form of bail and establishment of risks, provided for in part 1, 2, 5 of Art. 177 of the Criminal Procedure Code of Ukraine, the court considers it necessary to apply the following duties: to appear at every request to the investigator, the prosecutor and the court; not to leave the city of Kharkiv without the permission of the investigator, prosecutor or court; notify the investigator, prosecutor or court about a change of residence; to deposit with the relevant state authorities a passport for traveling abroad or other documents that grant the right to travel abroad; wear an electronic means of control.

By their nature, such duties are not too burdensome for the accused

In the event of bail, such duties are imposed on the accused for a period of two months (part 7 of article 194 of the Criminal Procedure Code).

As for the arguments of the defense counsel and the accused regarding the disagreement with the qualification of the incriminated criminal offense and the lack of evidence of involvement in its commission, at the stage of the preparatory court session, these arguments cannot be considered as evidence of the unfoundedness of the accusation, the absence of risks, and the existence of grounds for choosing more soft preventive measure.

The issue of incorrect legal classification of the crime cannot be resolved at the stage of the preparatory court session when considering the motion to extend the term of the preventive measure. The court is deprived of the opportunity to provide an assessment of the legal qualifications of the actions of the

accused during the consideration of this petition and at this stage, since the specified arguments are subject to assessment by the court during the consideration of the case on its merits.

With regard to the defendant's arguments regarding his two minor children being dependent on him and the need to maintain them, since they were left without means of subsistence, the court notes the following.

Taking into account the fact that the accused is officially unemployed and has no official source of income, the court considers that the arguments about his two minor children being dependent on him are not properly proven.

In addition, the court states that the children live with the mother, who is not incapacitated and has the opportunity to get a job to support the children.

The court also takes into account the explanations provided by the accused at the court session, according to which he provided his wife with money for the maintenance of the children, with which he justified the possibility of making the last deposit in a smaller amount than determined at the stage of the pre-trial investigation.

The court's decision on the application of a preventive measure is subject to immediate execution after its announcement. At the same time, the court explains to the accused PERSON_7 that according to the decision of the Constitutional Court of Ukraine dated June 13, 2019, he has the right to appeal this decision in the appeal procedure.

Guided by Art. 34, 183, 314, 331, 369-372 of the CCP of Ukraine,-

RESOLVED:

The request of the prosecutor of the Kharkiv Regional Prosecutor's Office PERSON_3 to extend the term of the pre-trial detention in the form of detention in criminal proceedings, entered in the Unified Register of Pre-trial Investigations under No. 220222220000000618 of April 12, 2022 in respect of PERSON_7, information. 2 Art. 436-2, Part 3 of Art. 436-2 of the Criminal Code of Ukraine - satisfy.

Extend the effect of the preventive measure in the form of detention, chosen in relation to the accused PERSON_7, INFORMATION_1, until August 24, 2023, with the possibility of applying an alternative preventive measure in the form of bail, in the amount determined in the decision of the investigating judge of the Kyiv District Court of Kharkiv from May 1, 2023, reviewed by the Kharkiv Court of Appeal, namely in the amount of UAH 402,600.00. (four hundred two thousand six hundred hryvnias zero kopecks), which is to be deposited into the deposit account of TU DSA of Ukraine in the Kharkiv region (account UA208201720355299002000006674, MFI 820172, EDRPOU code 26281249, recipient bank: State Treasury Service of Ukraine, Kyiv, purpose of payment - preventive **measure** pledge, number of the court decision and the name of the person with whom the deposit is made).

Upon payment of a specified amount of bail, PERSON_7 shall be released from custody and assigned the following duties for a period of two months: to appear before the investigator, the prosecutor, the court at the first summons; not to leave the city of Kharkiv without the permission of the investigator, prosecutor or court; notify the investigator, prosecutor or court about a change of residence at the address: ADDRESS_1; carry an electronic device backwards; to deposit with the relevant state authorities a passport for traveling abroad or other documents that grant the right to travel abroad.

Explain to the accused that in the case of non-fulfillment of obligations by the mortgagor, as well as if the accused, having been duly notified, does not appear when summoned to the investigator, prosecutor, court without valid reasons or does not inform about the reasons for his non-appearance, or if violates other obligations assigned to him during the application of a preventive measure, the bail is transferred to the state income and credited to the special fund of the State Budget of Ukraine and used in the manner established by law for the use of court fee funds. In the case of applying for bail to the state revenue, the court decides on the application of a preventive measure to the accused in the form of

a larger bail or other preventive measure, taking into account the provisions of part seven of Article 194 of the Criminal Procedure Code of Ukraine.

The bail, which is not transferred to the state income, is returned to the accused, the bailor after the termination of this preventive measure. At the same time, the bail provided by the accused may be fully or partially requested by the court to enforce the judgment in terms of property seizures. The pledge made by the mortgagor can be used by the court to enforce the judgment in terms of property seizures only with his consent.

The decision can be appealed in the appeal procedure by submitting an appeal directly to the court of appeal within five days from the day of its announcement. For PERSON_7, the deadline for filing an appeal is calculated from the moment a copy of this decision is delivered to him.

The resolution is subject to immediate execution after its announcement.

Judge PERSON_1

Date of decision	06/25/2023
Published	06/27/2023

Court register for the case — 638/5519/23

Resolution dated 04.08.2023 Criminal Dzerzhyn District Court of Kharkiv Oros O. V.	Resolution dated August 2, 2023 Criminal Dzerzhyn District Court of Kharkiv Oros O. V.	Resolution dated August 1, 2023 Criminal Dzerzhyn District Court of Kharkiv Oros O. V.	Resolution dated 25.06.2023 Criminal Dzerzhyn District Court of Kharkiv Oros O. V.	Resolution dated 25.06.2023 Criminal Dzerzhyn District Court of Kharkiv Oros O. V.	Resolution dated 07.06.2023 Criminal Dzerzhyn District Court of Kharkiv Oros O. V.
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